

APPEAL NO. 041861
FILED SEPTEMBER 20, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing (CCH) was held on July 9, 2004. The hearing officer determined that the respondent's (claimant) compensable injury of (first date of injury), extended to and included right carpal tunnel syndrome, after (subsequent date of injury). The appellant (carrier) appeals the determination on the grounds that the determination is contrary to the great weight of the evidence. There is no response in the file from the claimant.

DECISION

Affirmed.

The hearing officer did not err in determining that the compensable injury of (first date of injury), does extend to include the right carpal tunnel syndrome after (subsequent date of injury). The issue presented questions of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence. Section 410.165(a). As the trier of fact, the hearing officer resolves the conflicts and inconsistencies in the evidence and decides what facts the evidence has established. Texas Employers Ins. Ass'n v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ). There was conflicting evidence on the disputed issue and the hearing officer was acting within her province as the fact finder in giving more weight to the evidence tending to demonstrate that the claimant did experience a recurrence of symptomatology associated with the compensable injury of (first date of injury). Contrary to the carrier's assertion, the hearing officer could reasonably draw an inference that the claimant's symptoms after (subsequent date of injury), were related to the (first date of injury), injury for which the claimant's treatment had included an endoscopic right carpal tunnel release. The January 2004 required medical examination by a Texas Workers' Compensation Commission-appointed doctor found that the claimant's "current right upper extremity condition is caused from and related to the (first date of injury) injury." He also listed right carpal tunnel syndrome in his assessment. Nothing in our review of the record reveals that the challenged determination is so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Accordingly, no sound basis exists for us to reverse the determination on appeal. Cain v. Bain, 709 S.W.2d 175 (Tex. 1986).

The true corporate name of the insurance carrier is **AMERICAN MOTORISTS INSURANCE COMPANY** and the name and address of its registered agent for service of process is

**CORPORATION SERVICE COMPANY
800 BRAZOS
AUSTIN, TEXAS 78701.**

Gary L. Kilgore
Appeals Judge

CONCUR:

Daniel R. Barry
Appeals Judge

Chris Cowan
Appeals Judge